

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled BACTERIAL PROMOTERS AND METHODS OF USE; the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/259,434

Filing Date: December 27, 2000

Application No.: 60/230,335

Filing Date: September 6, 2000

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)


Application No.: 09/948,993

Filing Date: September 6, 2001

Status: Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Robert Haselbeck**

Inventor's signature 

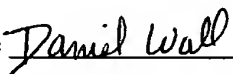
Date 27 Feb 2002

Residence: **4672 El Cerrito Drive, San Diego, CA 92115**

Citizenship: **U.S.**

Post Office Address: **4672 El Cerrito Drive, San Diego, CA 92115**

Full name of second inventor: **Daniel Wall**

Inventor's signature 

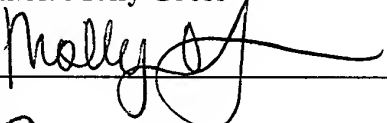
Date Feb 27, 2002

Residence: **3734 Brookshire Street, San Diego, CA 92111**

Citizenship: **U.S.**

Post Office Address: **3734 Brookshire Street, San Diego, CA 92111**

Full name of third inventor: **Molly Gross**

Inventor's signature 

Date 2.27.02

Residence: **10954 W. Ocean Air Drive, #2101, San Diego, CA 92130**

Citizenship: **U.S.**

Post Office Address: **10954 W. Ocean Air Drive, #2101, San Diego, CA 92130**

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

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Application No.: 10/032,393
Filing Date: December 21, 2001

- DO NOT RECORD -

PATENT
Client Code: ELITRA.010A
Page 1

ASSIGNMENT

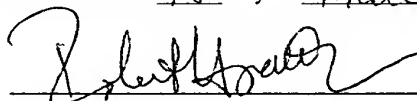
WHEREAS, We, Robert Haselbeck, a U.S. citizen, residing at 4672 El Cerrito Drive, San Diego, CA 92115, Daniel Wall, a U.S. citizen, residing at 3734 Brookshire Street, San Diego, CA 92111, and Molly Gross, a U.S. citizen, residing at 10954 W. Ocean Air Drive, #2101, San Diego, CA 92130 have invented certain new and useful improvements in a BACTERIAL PROMOTERS AND METHODS OF USE for which we have filed an application for Letters Patent in the United States, ;

AND WHEREAS, ELITRA PHARMACEUTICALS, INC. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 3510 Dunhill Street, Suite A, San Diego, CA 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18 day of March, 2002

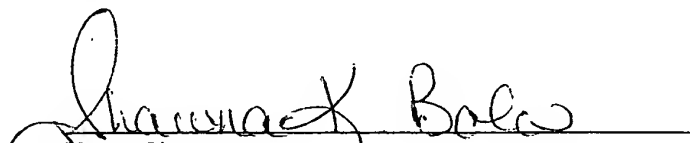

Robert Haselbeck

STATE OF California }
COUNTY OF San Diego } ss.

On 3/18/02, before me, Shawna K. Boles, personally appeared Robert Haselbeck personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.




Notary Signature

Application No.: 10/032,393
Filing Date: December 21, 2001

PATENT
Client Code: ELITRA.010A
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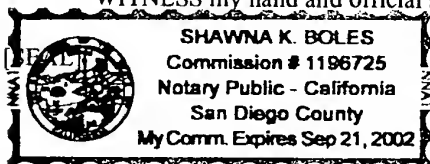
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18th day of March, 2002.

Daniel Wall
Daniel Wall

STATE OF California }
COUNTY OF San Diego } ss.

On 3/18/02, before me, Shawna K. Boles, personally appeared Daniel Wall personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Shawna K. Boles
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19th day of March, 2002.

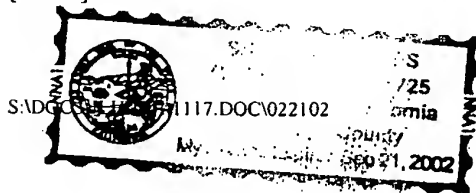
Molly Gross
Molly Gross

STATE OF California }
COUNTY OF San Diego } ss.

On 3/19/02, before me, Shawna K. Boles, personally appeared Molly Gross personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Shawna K. Boles
Notary Signature

